2004 TABLE OF CASES
VOLUME 121

[Boldface references are to pages in the Banking Law Journal]

203 North LaSalle Street Partnership, In re, 246 B.R. 325 (Bankr. N.D. Ill. 2000), **781**

A

Aerovias Nacionales de Colombia S.A. Avianca, In re, 303 B.R. 1 (Bankr. S.D.N.Y. 2003), **344**

A.J. Lane & Co., Inc., In re, 113 B.R. 821, 823-824 (Bankr. D. Mass. 1990), **533**

Allison v. Citgo Petroleum Corporation, 151 F.3d 402 (5th Cir. 1998), **713**

AMB Property, L.P. v. Official Creditors Committee, No. 03-00021 (N.D. Cal. Sept. 30, 2003), **517**

American Bankers Ass'n v. Lockyer, 239 F. Supp. 2d 1000 (E.D. Cal 2002), **634**

Anschutz v. Central Nat'l Bank of Columbus, 112 N.W.2d 545 (Neb. 1961), **182**

Antioch v. Scrapbook Borders, Inc., 210 F.R.D. 645 (D. Minn. 2002), **310**

Augie/Restivo Baking Co. v. Augie/Restivo Baking Co., 860 F.2d 515 (2d Cir. 1988), **643**

Auto-Train Corp. v. Midland-Ross Corp., 810 F.2d 270 (D.C. Cir. 1987), **642**

B

Bank One Delaware NA v. Wilens, case no. SACV03-274-JVS ANX, 2003 WL 21703629, *2 (C.D. Cal. July 7, 2003), **465**

Banque Arabe de Internationale D'Investissement v. Maryland National Bank, 57 F.3d 146 (2d Cir. 1995), **424**

C

Cenargo Int'l, plc, In re, 294 B.R. 571 (Bankr. S.D.N.Y. 2003), **344**

Chavers v. Fleet Bank (RI), N.A., No. 2002-201-Appeal, 2004 WL 249605 (R.I. Feb. 11, 2004), **573**

Chemical Bank v. Security Pacific National Bank, 20 F.3d 375 (9th Cir. 1994), **420**

Chow v. Enterprise Bank & Trust Co., No. 024762BLS2, 2003 WL 27481372 (Mass. Super. Ct. Sept. 11, 2003), **382**

2004 TABLE OF CASES
VOLUME 121

[Boldface references are to pages in the Banking Law Journal]

203 North LaSalle Street Partnership, In re, 246 B.R. 325 (Bankr. N.D. Ill. 2000), **781**

A

Aerovias Nacionales de Colombia S.A. Avianca, In re, 303 B.R. 1 (Bankr. S.D.N.Y. 2003), **344**

A.J. Lane & Co., Inc., In re, 113 B.R. 821, 823-824 (Bankr. D. Mass. 1990), **533**

Allison v. Citgo Petroleum Corporation, 151 F.3d 402 (5th Cir. 1998), **713**

AMB Property, L.P. v. Official Creditors Committee, No. 03-00021 (N.D. Cal. Sept. 30, 2003), **517**

American Bankers Ass'n v. Lockyer, 239 F. Supp. 2d 1000 (E.D. Cal 2002), **634**

Anschutz v. Central Nat'l Bank of Columbus, 112 N.W.2d 545 (Neb. 1961), **182**

Antioch v. Scrapbook Borders, Inc., 210 F.R.D. 645 (D. Minn. 2002), **310**

Augie/Restivo Baking Co. v. Augie/Restivo Baking Co., 860 F.2d 515 (2d Cir. 1988), **643**

Auto-Train Corp. v. Midland-Ross Corp., 810 F.2d 270 (D.C. Cir. 1987), **642**

B

Bank One Delaware NA v. Wilens, case no. SACV03-274-JVS ANX, 2003 WL 21703629, *2 (C.D. Cal. July 7, 2003), **465**

Banque Arabe de Internationale D'Investissement v. Maryland National Bank, 57 F.3d 146 (2d Cir. 1995), **424**

C

Cenargo Int'l, plc, In re, 294 B.R. 571 (Bankr. S.D.N.Y. 2003), **344**

Chavers v. Fleet Bank (RI), N.A., No. 2002-201-Appeal, 2004 WL 249605 (R.I. Feb. 11, 2004), **573**

Chemical Bank v. Security Pacific National Bank, 20 F.3d 375 (9th Cir. 1994), **420**

Chow v. Enterprise Bank & Trust Co., No. 024762BLS2, 2003 WL 27481372 (Mass. Super. Ct. Sept. 11, 2003), **382**

Citizens Bank of Maryland v. Strumpf, 516 U.S. 16, 19 (1995), **91**

Coleman v. General Motors Acceptance Corporation, 296 F.3d 443 (6th Cir. 2002), **713**

Crick v. HSBC Bank USA, 775 N.Y.S.2d 497 (N.Y. Civ. Ct. 2004), **757**

Currency Conversion Fee Antitrust Litigation, In re, MDL 1409, 2003 WL 22097502 (S.D.N.Y. Sept. 10, 2003), **187**

Curtis Center Limited Partnership, In re, 92 B.R. 648 (Bankr. E.D. Pa. 1996), **775**

Czyzk, In re, 297 B.R. 406 (Bankr. D.N.J. 2003), **90**

D

Dalessio v. Kressler, 773 N.Y. S.2d 434 (N.Y. App. Div. 2004), **862**

Davis Broadcasting, Inc., In re, 169 B.R. 229 (Bankr. M.D. Ga.), rev'd on other grounds, 176 B.R. 290 (M.D. Ga. 1994), **777**

E

Eastgroup Prop., 935 F.2d at 250, **644**

Elliot Assocs. v. J. Henry Schroder Bank & Trust Co., 838 F.2d 66, 71 (2d Cir. 1988), **392**

Estate of Freitag v. Frontier Bank, 75 P.3d 596 (Wash. Ct. App. 2003), **189**

Eureka Broadband Corp. v. Wentworth Leasing Corp., 2004 WL 344425, No. 02-11068-RGS (D. Mass. Feb. 24, 2004), **575**

European Am. Bank v. Bank of Nova Scotia, 2003 WL 22976615 (N.Y. Sup. Dec. 17, 2003), **365**

F

Fetter v. Wells Fargo Bank Texas, N.A., 110 S.W.3d 683 (Tex. Ct. App. 2003), **93**

Firstar Bank, N.A. v. Wells Fargo Bank, N.A., Case No. 02 C 186, 2004 WL 1323942 (N.D. Ill. June 14, 2004), **855**

Firstar Metropolitan Bank & Trust v. Federal Deposit Insurance Corp., 964 F. Supp. 1353 (D. Ariz. 1997), **424**

First Bank of WaKeeney v. Peoples State Bank, 12 Kan. App. 2d 788, 758 P.2d 236 (Ct. App. 1988), **421**

First Capital Corp. v. Norfolk Southern Railway Co., No. CV-214-M, 2004 WL 718975 (N.D. Tex. 2004), **671**

First Citizens Federal Savings & Loan Ass'n v. Worthen Bank & Trust Co., 919 F.2d 510 (9th Cir. 1990), **420**

First Dakota Nat'l Bank v. Performance Eng'g & Mfg., Inc., 676 N.W.2d 395 (S.D. 2004), **670**

First Union Nat'l Bank v. Burke, 48 F. Supp. 2d 132 (D. Conn. 1999), **465**

Flagg v. Yonkers Savings and Loan Association, FA, 307 F. Supp. 2d 565 (S.D.N.Y. 2004), **763**

G

Gallant v. Kanterman, 198 A.D.2d 76, 603 N.Y.S.2d 315 (1st Dept. 1993), **366**

General Instrument Corporate Securities Litigation, In re, No. 96 C 1129, 1999 WL 1072507 (N.D. Ill. Nov. 18, 1999), **311**

Gerber & Gerber, P.C. v. Regions Bank, 596 S.E.2d 174 (Ga. Ct. App. 2004), **860**

Giller v. Giller, 962 F.2d 796 (8th Cir. 1992), **644**

Glencore International A.G. v. Bank of China, [1996] 1 Lloyd's Rep. 135 (CA), **615**

Global Ocean Carriers Ltd., In re, 51 B.R. 31 (Bankr. D. Del. 2000), **342**

Gonzales v. Bank One Texas, Nat'l Assoc., No. 04-03-0409-CV, 2004 WL 57052 (Tex. App. Jan. 14, 2004), **479**

Grupo Mexicano de Desarrollo, S.A. v. Alliance Bond Fund, Inc., 527 U.S. 308 (1999), **641**

H

Haakinson & Beaty Co. v. Inland Ins. Co., 344 N.W.2d 454, 459 (Neb. 1984), **671**

Hart Ski Mfg. Co., Inc., In re, 5 B.R. 734 (Bankr. D. Minn. 1980), **780**

Highland Capital, Inc. v. Franklin Nat'l Bank, 350 F.3d 558 (6th Cir. 2003), **373**

Horvitz v. Roadworks of Great Neck, Inc., 76 N.Y.2d 975, 976, 563 N.Y. S.2d 735, 565 N.E.2d 484 (1990), **757**

Household Credit Services, Inc. v. Pfennig, No. 02-857, 2004 WL 840101 (Apr. 21, 2004), **667**

I

INDOPCO Inc. v. Commissioner, 503 U.S. 79 (1992), **298**

Inter Urban Broadcasting of Cincinnati, Inc., In re, 1994 WL 646176 (E.D. La. 1994), **776**

Investment Company Institute v. Camp, 401 U. S. 617 (1971), **899**

Ionica plc. In re, 241 B.R. 829 (Bankr. S.D.N.Y. 1999), **343**

I.T. Consultants, Inc. v. The Islamic Republic of Pakistan, 351 F.3d 1184 (D.C. Cir. 2003), **369**

J

James, et al. v. Albank, 763 N.Y.S.2d 838 (N.Y. App. Div. 2003), **182**

Johnson County Auto Credit, Inc. v. Green, 83 P.3d 152 (Kan. 2004), **477**

JP Morgan Chase Bank v. Cook, 2004 U.S. Dist. Lexis 2557, **525**

JPMorgan Chase Bank v. Cook, No. 03 Civ. 2690(GEL), 2004 WL 324872 (S.D.N.Y. Feb. 20, 2004), **858**

K

Kokoszka v. Belford, 417 U.S. 642 (1974), **92**

Kredietbank Antwerp v. Midland Bank Plc, [1999] Lloyd's Rep. Bank. 219_(CA), **616**

Kuhn v. Tumminelli, 841 A.2d 496 (N.J. Super. Ct. App. Div. 2004), **571**

L

Lindley v. Paducah Bank & Trust, 114 S.W.3d 259 (Ky. Ct. App. 2002), **190**

Linnen v. A.H. Robins Co., No. 97-2307, 1999 WL 462015 (Mass. Super. Ct. June 16, 1999), **310**

M

McCarthy v. F.D.I.C., No. 02-56357, 2003 WL 22495754 (9th Cir. Nov. 5, 2003), **285**

McPeek v. Ashcroft, 202 F.R.D. 31 (D.D.C. 2001), **312**

Medtronic Sofamor Danek Inc., v. Michelson, No. 01-2373-MIV, 2003 WL 21468573 (W.D. Tenn. May 13, 2003), **313**

Melley v. Pioneer Bank, N.A., 834 A.2d 1191 (Pa. Super. Ct. 2003), **366**

Mercantile Bank of Arkansas v. Vowell, 117 S.W.3d 603 (Ark. 2003), **371**

Metropolitan Opera Ass'n, Inc. v. Local 100, 212 F.R.D. 179, 223 (S.D.N.Y. 2003), **314**

Mid Wisconsin Bank v. Forsgard Trading, Inc., No. 03-01213, 2003 WL 21692701 (Wis. App. Ct. July 22, 2003), **191**

Miller-Rogaska, Inc. v. Bank One, 931 S.W.2d 655 (Tex. App. 1996), **182**

Missionary Baptist Foundation of America, Inc., In re, **843**

N

NBT Bank v. First National Cmty. Bank, 287 F. Supp. 2d 564 (M.D. Pa. 2003), **376**

Necci v. Universal Fidelity Corp., 297 B.R. 376 (E.D.N.Y. 2003), **92**

New Bank of New England v. Toronto-Dominion Bank, 768 F. Supp. 1017 (S.D.N.Y. 1991), **421**

Newbery Corp. v. Fireman's Fund Ins. Co.. 95 F.3d 1392 (9th Cir. 1996), **505**

Noble v. Baker, Case No. 2030164, 2004 WL 1125163 (Ala. Civ. App. May 21, 2004), **854**

O

Ochoco Lumber Company v. Fibrex, 164 Ore. App. 769 (2000), **525**

Old Republic National Title Insurance Co. v. Bank of East Asia, Ltd., 291 F. Supp. 2d 60 (D. Conn. 2003), **475**

P

Parker North American Corp., In re, 24 F.3d 1145 (9th Cir. 1994), **286**

Pelican Nat'l Bank v. Provident Bank of Md., No. 48, Sept. Term, 2002, 2004 WL 1076798 (Md. May 14, 2004), **765**

Peoples National Bank v. Office of the Comptroller of the Currency of the United States, 362 F.3d 333 (5th Cir. 2004), **760**

Pride Hyundai, Inc. v. Chrysler Financial Co., L.L.C., 369 F.3d 603 (1st Cir. 2004), **856**

R

Ramsey v. Hancock, 2003 WL 22208359 (Utah App. Sept. 25, 2003), **181**

Redback Networks, Inc. v. Mayan Networks Corp., BAP No. NC-02-1483-JRyK 2004 Bankr. LEXIS 184 (9th Cir. B.A.P. filed Feb. 5, 2004), **516**

Regions Bank v. The Provident Bank, Inc., 345 F.3d 1267 (11th Cir. 2003), **185**

Republic of Argentina v. Weltover, Inc., 504 U.S. 607, 619 (1992), **370**

Resolution Trust Corp. v. Heights of Texas, FSB, Civ. A. No. 89-2099-O, 1991 WL 205040 (D. Kan.), **422**

Roberts v. Fleet Bank (R.I.), 342 F.3d 360 (3d Cir. 2003), **574**

Rowe Entertainment, Inc. v. William Morris Agency, No. 98 Civ. 8272, 2002 WL 975713, at *3 (S.D.N.Y. May 9, 2002), **309**

Rowe Entertainment v. William Morris Agency, Inc., 205 F.R.D. 421 (S.D.N.Y. 2002), **312**

RZS Holdings, AVV v. Commerzbank, AG, 279 F. Supp. 2d 716 (E.D. Va. 2003), **383**

S

Sampsell v. Imperial Paper & Color Corp., 313 U.S. 215, 218-19 (1941), **644**

Scadif, S.A. v. First Union Nat'l, No. 01-14372, 2003 WL 22038977 (11th Cir. Sept. 2, 2003), **89**

Scott v. Mellon Bank, N.A., 2003 WL 22931335 (Del. Ct. Comm. Pl. Aug. 8, 2003), **380**

Security First Network Bank v. C.A.P.S., Inc., No. 01 C 342, 2003 WL 22299011 (N.D. Ill. Oct. 7, 2003) (slip copy), **184**

Shaanxi Jinshan TCI Electronics Corp. v. FleetBoston Financial Corp., 61 Mass. App. Ct. 41, 807 N.E.2d 180 (Mass. Ct. App. 2004), **758**

Sharpe v. FDIC, 126 F.3d 1147 (9th Cir. 1997), **286**

Shelter Ins. Cos. v. Frohlich, 498 N.W.2d 74 (Neb. 1993), **671**

Sierra Infonet Inc. v. Bank of America, NT & SA, 2003 WL 21751434 (Cal. Ct. App. July 30, 2003), **95**

Skyler Ridge, In re, 80 B.R. 500, 505-506 (Bankr. C.D. Cal. 1987), **533**

Sonic Engineering, Inc. v. Konover Construction Co. South, No. CV030824817S, 2003 WL 22133874 (Conn. Super. Ct. Sept. 3, 2003), **188**

Sornberger v. First Midwest Bank, 278 F. Supp. 2d 935, 941 (C.D. Ill. 2002), **286, 287**

Southern Pacific Thrift & Loan Ass'n v. Savings Ass'n Mortgage Co., Inc., 70 Cal. App. 4th 634, 82 Cal Rptr. 2d 874 (Ct. App. 1999), **422**

Spanish Cay Co., Ltd., In re, 161 B.R. 715 (Bankr. S.D. Fla. 1993), **343**

Spielman v. Manufacturers Hanover Trust Co., 60 N.Y.2d 221, 224-25, 469 N.Y.S.2d 69, 456 N.E.2d 1192 (1983), **757**

State St. Bank & Trust Co. v. Signature Fin. Group, 149 F.3rd 1368, 47

U.S.P.Q.2d 1596, (Fed. Cir. 1998), **325**

Stone & Webster, Inc., In re, 286 B.R. 532 (Bankr. D. Del. 2002), **642**

Superior Federal Bank v. Mackey, 129 S.W.3d 324 (Ark. Ct. App. 2003), **766**

T

Till v. SCS Credit Corp., 124 S.Ct. 1951, 2004 WL 1085321 (U.S. May 17, 2004), **754**

Trustmark Ins. Co. v. Bank One, Ariz., N.A., 2002 Ariz. LEXIS 207 (2002), **101**

Tudor Development Group, Inc. v. Dauphin Deposit Bank & Trust Co., 968 F. 2d 357 (3rd Cir. 1992), **524**

U

Underpinning & Foundation Constructors, Inc. v. Chase Manhattan Bank, N.A., 46 N.Y.2d 459, 465-66, 414 N.Y.S.2d 298, 386 N.E.2d 1319 (1979), **757**

Union Carbide Corp. v. Montell N.V., No. 95 Civ. 0134 (SAS), 1998 WL 293991 (S.D.N.Y. June 5, 1998), **422**

United Healthcare System, Inc., In re, 1997 LEXIS 5090, at *19-20 (D.N.J. 1997), **28**

U.S. Bank Nat'l Assoc. v. Whitney, 81 P.3d 135 (Wash. Ct. App. 2003), **368**

V

V.N. Deprizio Construction Co., In re, 874 F.2d 1186 (7th Cir. 1989), 490

Volpe v. Fleet Nat'l Bank, 710 A.2d 661 (R.I. 1998), **182**

W

Wachovia Bank, N.A. v. Federal Reserve Bank, 338 F.3d 318 (4th Cir. 2003), **87**

Weinstein v. Islamic Republic of Iran, 2004 WL 90043, No. 02-237 (E.D.N.Y. Jan. 13, 2004), **473**

Wells Fargo v. Commissioner, 2002-2 USTC ¶50,697, 224 F.3d 874 (8th Cir. 2000), **300**

Western Air & Refrigeration, Inc. v. Metro Bank of Dallas, 599 F.2d 83 (5th Cir. 1979), **90**

Wilson v. First National Bank of Lubbock, **843**

Wisner Elevator Co. v. Richland State Bank, 2003 WL 22927473 (La. Ct. App. Dec. 12, 2003), **379**

Wright v. AmSouth Bancorporation, 320 F.3d 1198 (11th Cir. 2003), **310**

X

Xacur, In re, 219 B.R. 956 (Bankr. S.D. Tex. 1998), **343**

Z

Zubulake v. UBS Warburg LLC, No. 02 Civ. 1243, 2003 U.S. Dist. LEXIS 7939, at *27-28 (S.D.N.Y. May 13, 2002), **313**

2004 TABLE OF AUTHORS
VOLUME 121

[Boldface references are to pages in the Banking Law Journal]

A

Artese, Dennis J., and John B. Berringer, The ABCs of Substantive Consolidation, **640**

B

Barney, Dale E., The Secured Lender's State Law Remedies on Default: A Practical Approach To Foreclosure and Replevin, **527**

Bauerle, James F., Technology, Law, and Banking, **68**, **331**, **656**

Becker, Gernot M., Walter Schulte-Herbrüggen, and Antje Fischer, Basel II Ratings — Are They Really Comparable?, **430**

Berringer, John B., and Dennis J. Artese, The ABCs of Substantive Consolidation, **640**

Blair, Stephanie A. "Tess," and John C. Goodchild, III, Focusing on Reasonableness and Cost Trends in eDiscovery and Record Retention, **308**

Brandon, George, and Mary Ann Jenkins, The Limits of Article 4A, 99

Branson, Bruce, and Robert Peace, New Income Tax Regulations May Affect Bank Tax Accounting, **297**

Brooks, John T., William C. Weinsheimer, and Erika A. Swanson, Delegation of Trustee's Duties to Advisors, **141**

C

Caperton, Christopher, Lisa Hill Fenning, and Christopher DiAngelo, What Banks Need To Know About Debtor-In-Possession Securitizations, **33**

Cassling, Donald R., Banking Briefs, **87**, **181**, **285**, **365**, **473**, **569**, **667**, **754**, **854**

Cayne, Howard, and Laurence Hutt, The Lessons of ABA v. Lockyer, **634**

Chung, Robert Y., and Gregory S. Hansen, Don't Make Insurance Coverage an Afterthought When Entering New Markets, **410**

Croke, James J., and Peter C. Manbeck, Risk-Based Capital Treatment of ABCP Programs and Possible Capital Charge for Early Amortizations, **40**;

What Banks Need To Know About New Developments in Asset-Backed Commercial Paper, **218**

Cross, Andrew P., Interagency Statement on Sound Practices Concerning Complex Structured Finance Transactions, **697**

Cunningham, Thomas J., Garret E. Glass, Edward C. Fitzpatrick, and Albert E. Fowerbaugh, The Illinois High Risk Home Loan Act: New Obligations for Lenders and Servicers, **166**

D

Darmstadter, Howard, Wired: Problems With Electronic Funds Transfer Agreements, **646**

DiAngelo, Christopher, Lisa Hill Fenning, and Christopher Caperton, What Banks Need To Know About Debtor-In-Possession Securitizations, **33**

Dreyer, Stephanie E., and Peter G. Weinstock, Overdraft Protection Programs: The Emerging Battleground for Bankers and Consumer Advocates, **791**

Duhamel, Marcel C., Predatory Lending and National Banks: The New Visitorial Powers, Preemption and Predatory Lending Regulations, **455**

F

Fenning, Lisa Hill, Christopher DiAngelo, and Christopher Caperton, What Banks Need To Know About Debtor-In-Possession Securitizations, **33**

Finkelstein, Saul H., Private Bank Lending: Legal Issues in Loan Documents, **847**

Fischer, Antje, Walter Schulte-Herbrüggen, and Gernot M. Becker, Basel II Ratings — Are They Really Comparable?, **430**

Fitzpatrick, Edward C., Thomas J. Cunningham, Garret E. Glass, and Albert E. Fowerbaugh, The Illinois High Risk Home Loan Act: New Obligations for Lenders and Servicers, **166**

Fly, James L., and Michael Sjuggerud, The Basics of Bankruptcy Risk Management When Making Consumer Loans, **718**

Fowerbaugh, Albert E., Thomas J. Cunningham, Garret E. Glass, and Edward C. Fitzpatrick, The Illinois High Risk Home Loan Act: New Obligations for Lenders and Servicers, **166**

Frachioni, Michael I., "Leveraging the Land" Revisited: Reviewing the Loan to Value Ratio Guidelines for Real Estate Lending by National Banks, **153**

G

Gibson, Sheilah D., The Case for the Expanded Role of Trustees in Securitizations, **387**

Glass, Garret E., Thomas J. Cunningham, Edward C. Fitzpatrick,

and Albert E. Fowerbaugh, The Illinois High Risk Home Loan Act: New Obligations for Lenders and Servicers, **166**

Glatzer, Jeffrey L., and Melissa Golub, Are Loan Workouts Risky Business?, **322**

Golub, Melissa, and Jeffrey L. Glatzer, Are Loan Workouts Risky Business?, **322**

Goodchild, John C., III and Stephanie A. "Tess" Blair, Focusing on Reasonableness and Cost Trends in eDiscovery and Record Retention, **308**

Goodman, Gary A., and Amy K. Maliza, The Fading Distinction Between Letters of Credit and Guarantees, **523**

Guo, Li, Financial Holding Company or Universal Bank? A Comparative Note on the Latest Amendment to China's Commercial Bank Law Art. 43, **883**

H

Hall, Thomas J., and Benjamin D. Pergament, In No Uncertain Terms: The Importance of Defining the Duties of Lead Lenders in Multi-Lender Transactions, **417**

Hansen, Gregory S., and Robert Y. Chung, Don't Make Insurance Coverage an Afterthought When Entering New Markets, **410**

Harris, Angelee J., Trust Preferred Securities Still Eligible for Tier 1 Capital Treatment; New Rules Are a Compromise, **688**

Hecht, Jonathan H., and Stephen R. Heifetz, Travel Rule Exception To Expire on July 1, 2004, But Ambiguity Remains, **291**

Heifetz, Stephen R., and Jonathan H. Hecht, Travel Rule Exception To Expire on July 1, 2004, But Ambiguity Remains, **291**

Hutt, Laurence, and Howard Cayne, The Lessons of ABA v. Lockyer, **634**

J

Jenkins, Mary Ann, and George Brandon, The Limits of Article 4A, **99**

Johnson, Christian A., The Failure of Superior Bank FSB: Regulatory Lessons Learned, **47**

Jones, Scott R., and David G. Smith, Can Medicaid Receivables Secure a Credit Facility?, **842**

K

Kantor, Mark, Investor-State Arbitration Over Investments in Financial Services: Disputes Under New U.S. Investment Treaties, **579**

Karthikeyan, Kalyanam, and R. Russ O'Haver, Patenting Behavior After State Street, **325**

Kini, Satish M., New Bank Holding Company Rating System Revises the Focus of the Federal Reserve's Supervisory Practices, **784**

Klingler, Robert D., and Katherine M. Koops, Financing Growth, **675**

Koops, Katherine M. and Robert D. Klingler, Financing Growth, **675**

Kronfeld, Mark P., Lenders Beware! The Enforceability of Early Termination Provisions in Bankruptcy Court, **531**

L

Lee, Paul L., Compliance: A New Paradigm, **867**

Longnecker, Brent, Sarbanes-Oxley: Financial Friend Or Foe?, **606**

M

Maliza, Amy K. and Goodman, Gary A., The Fading Distinction Between Letters of Credit and Guarantees, **523**

Manbeck, Peter C., and James J. Croke, Risk-Based Capital Treatment of ABCP Programs and Possible Capital Charge for Early Amortizations, **40**

McGrane, William, Securitization of First Party Security as a Section 502(b)(6) Avoidance Device, **516**

Meyerowitz, Steven A., Headnote: Getting Repaid, **1**; Headnote: Potpourri, **97**; Headnote: FACT, FCRA, and ABCP, **193**; Headnote: New Regulatory Developments, **289**; Headnote: Your Attention, Please, **385**; Headnote: When Debtors Default, **481**; Headnote: Resolving Disputes, **577**; Headnote: Growing Pains, **673**; Headnote: Silent Second Liens, **769**; Headnote: Compliance, **865**

Miller, Dean E., Is a State or National Charter Better for a Small Trust Company?, **627**

Misawa, Mitsuru, Bad Loans: A Comparative Study of U.S. and Japanese Regulations Concerning Loan Loss Reserves, **917**

N

Nitsevych, Arthur, and Vadym Popelyuk, Opportunities for U.S. Banks in the Ukraine, **174**

Norris, Benjamin R., Bankruptcy Preference Actions, **483**

O

O'Haver, R. Russ, and Kalyanam Karthikeyan, Patenting Behavior After State Street, **325**

Owens, Keith Charles, Bankruptcy Sales: A Banker's Guide, **22**

P

Peace, Robert and Bruce Branson, New Income Tax Regulations May Affect Bank Tax Accounting, **297**

Pergament, Benjamin D., and Thomas J. Hall, In No Uncertain Terms: The Importance of Defining the Duties of Lead Lenders in Multi-Lender Transactions, **417**

Popelyuk, Vadym, and Arthur Nitsevych, Opportunities for U.S. Banks in the Ukraine, **174**

Poulon, Christine, and Jeffrey Taft, The FACT Act: The Latest Attempt at Overhauling the Fair Credit Reporting Act and the Fairness and Accuracy of Consumer Reports, **194**

S

Scheinberg, Ronald, Enhanced Equipment Trust Certificates in the Downturn: An Assessment for Banks, **108**

Schulte-Herbrüggen, Walter, Antje Fischer, and Gernot M. Becker, Basel II Ratings — Are They Really Comparable?, **430**

Seife, Howard, Bankruptcy for Bankers, **341**, **541**; Silent Second Liens, **771**

Simonetti, Lisa M., and Julia B. Strickland, Recent Developments in Litigation Under the Equal Credit Opportunity Act, **705**

Sjovall, John M., What Duty Do Company Directors Owe To Banks and Other Creditors?, **4**

Sjuggerud, Michael, and James L. Fly, The Basics of Bankruptcy Risk Management When Making Consumer Loans, **718**

Smith, David G., and Scott R. Jones, Can Medicaid Receivables Secure a Credit Facility?, **842**

Strickland, Julia B., and Lisa M. Simonetti, Recent Developments in Litigation Under the Equal Credit Opportunity Act, **705**

Swanson, Erika A., John T. Brooks, and William C. Weinsheimer, Delegation of Trustee's Duties to Advisors, **141**

T

Taft, Jeffrey, and Christine Poulon, The FACT Act: The Latest Attempt at Overhauling the Fair Credit Reporting Act and the Fairness and Accuracy of Consumer Reports, **194**

Takahashi, Koji, Original Documents in Letters of Credit in the Era of High-Quality Photocopiers and Printers, **613**

W

Weinsheimer, William C., John T. Brooks, and Erika A. Swanson, Delegation of Trustee's Duties to Advisors, **141**

Weinstock, Peter G., and Stephanie E. Dreyer, Overdraft Protection Programs: The Emerging Battleground for Bankers and Consumer Advocates, **791**

Z

Zinski, Christopher J., Audit Committees, 77, **350**, **550**, **723**

2004 TABLE OF ARTICLES
VOLUME 121

[Boldface references are to pages in the Banking Law Journal]

A

Are Loan Workouts Risky Business?, Jeffrey L. Glatzer and Melissa Golub, **322**

Audit Committees, Christopher J. Zinski, 77, **350**, **550**, **723**

B

Bad Loans: A Comparative Study of U.S. and Japanese Regulations Concerning Loan Loss Reserves, Mitsuru Misawa, **917**

Banking Briefs, Donald R. Cassling, **87**, **181**, **285**, **365**, **473**, **569**, **667**, **754**, **854**

Bankruptcy for Bankers, Howard Seife, **341**, **541**

Bankruptcy Preference Actions, Benjamin R. Norris, **483**

Bankruptcy Sales: A Banker's Guide, Keith Charles Owens, **22**

Basel II Ratings — Are They Really Comparable?, Walter Schulte-Herbrüggen, Antje Fischer, and Gernot M. Becker, **430**

C

Can Medicaid Receivables Secure a Credit Facility?, David G. Smith and Scott R. Jones, **842**

Compliance: A New Paradigm, Paul L. Lee, **867**

D

Delegation of Trustee's Duties to Advisors, John T. Brooks, William C. Weinsheimer and Erika A. Swanson, **141**

Don't Make Insurance Coverage an Afterthought When Entering New Markets, Robert Y. Chung and Gregory S. Hansen, **410**

E

Enhanced Equipment Trust Certificates in the Downturn: An Assessment for Banks, Ronald Scheinberg, **108**

F

Financial Holding Company or Universal Bank? A Comparative Note on the Latest Amendment to China's Commercial Bank Law Art. 43, Li Guo, **883**

Financing Growth, Katherine M. Koops and Robert D. Klingler, **675**

Focusing on Reasonableness and Cost Trends in eDiscovery and Record Retention, John C. Goodchild, III and Stephanie A. "Tess" Blair, **308**

H

Headnote: Compliance, Steven A. Meyerowitz, **865**

Headnote: FACT, FCRA, and ABCP, Steven A. Meyerowitz, **193**

Headnote: Getting Repaid, Steven A. Meyerowitz, **1**

Headnote: Growing Pains, Steven A. Meyerowitz, **673**

Headnote: New Regulatory Developments, Steven A. Meyerowitz, **289**

Headnote: Potpourri, Steven A. Meyerowitz, **97**

Headnote: Resolving Disputes, Steven A. Meyerowitz, **577**

Headnote: Silent Second Liens, Steven A. Meyerowitz, **769**

Headnote: When Debtors Default, Steven A. Meyerowitz, **481**

Headnote: Your Attention, Please, Steven A. Meyerowitz, **385**

I

In No Uncertain Terms: The Importance of Defining the Duties of Lead Lenders in Multi-Lender Transactions, Thomas J. Hall and Benjamin D. Pergament, **417**

Interagency Statement on Sound Practices Concerning Complex Structured Finance Transactions, Andrew P. Cross, **697**

Investor-State Arbitration Over Investments in Financial Services: Disputes Under New U.S. Investment Treaties, Mark Kantor, **579**

Is a State or National Charter Better for a Small Trust Company?, Dean E. Miller, **627**

L

Lenders Beware! The Enforceability of Early Termination Provisions in Bankruptcy Court, Mark P. Kronfeld, **531**

"Leveraging the Land" Revisited: Reviewing the Loan to Value Ratio Guidelines for Real Estate Lending by National Banks, Michael I. Frachioni, **153**

N

New Bank Holding Company Rating System Revises the Focus of the Federal Reserve's Supervisory Practices, Satish M. Kini, **784**

New Income Tax Regulations May Affect Bank Tax Accounting, Robert Peace and Bruce Branson, **297**

O

Opportunities for U.S. Banks in the Ukraine, Arthur Nitsevych and Vadym Popelyuk, **174**

Original Documents in Letters of Credit in the Era of High-Quality Photocopiers and Printers, Koji Takahashi, **613**

Overdraft Protection Programs: The Emerging Battleground for Bankers and Consumer Advocates, Peter G. Weinstock and Stephanie E. Dreyer, **791**

P

Patenting Behavior After State Street, R. Russ O'Haver and Kalyanam Karthikeyan, **325**

Predatory Lending and National Banks: The New Visitorial Powers, Preemption and Predatory Lending Regulations, Marcel C. Duhamel, **455**

Private Bank Lending: Legal Issues in Loan Documents, Saul H. Finkelstein, **847**

R

Recent Developments In Litigation Under The Equal Credit Opportunity Act, Julia B. Strickland and Lisa M. Simonetti, **705**

Risk-Based Capital Treatment of ABCP Programs and Possible Capital Charge for Early Amortizations, James J. Croke and Peter C. Manbeck, **40**

S

Sarbanes-Oxley: Financial Friend Or Foe?, Brent Longnecker, **606**

Securitization of First Party Security as a Section 502(b)(6) Avoidance Device, William McGrane, **516**

Silent Second Liens, Howard Seife, **771**

T

Technology, Law, and Banking, James F. Bauerle, **68**, **331**, **656**

The ABCs of Substantive Consolidation, John B. Berringer and Dennis J. Artese, **640**

The Basics of Bankruptcy Risk Management When Making Consumer Loans, James L. Fly and Michael Sjuggerud, **718**

The Case for the Expanded Role of Trustees in Securitizations, Sheilah D. Gibson, **387**

The FACT Act: The Latest Attempt at Overhauling the Fair Credit Reporting Act and the Fairness and Accuracy of Consumer Reports, Jeffrey Taft and Christine Poulon, **194**

The Fading Distinction Between Letters of Credit and Guarantees, Gary A. Goodman and Amy K. Maliza, **523**

The Failure of Superior Bank FSB: Regulatory Lessons Learned, Christian A. Johnson, **47**

The Illinois High Risk Home Loan Act: New Obligations for Lenders and Servicers, Thomas J. Cunningham, Garret E. Glass, Edward C. Fitzpatrick and Albert E. Fowerbaugh, **166**

The Lessons of ABA v. Lockyer, Laurence Hutt and Howard Cayne, **634**

The Limits of Article 4A, George Brandon and Mary Ann Jenkins, **99**

The Secured Lender's State Law Remedies on Default: A Practical Approach To Foreclosure and Replevin, Dale E. Barney, **527**

Travel Rule Exception To Expire on July 1, 2004, But Ambiguity Remains, Stephen R. Heifetz and Jonathan H. Hecht, **291**

Trust Preferred Securities Still Eligible for Tier 1 Capital Treatment; New Rules Are a Compromise, Angelee J. Harris, **688**

W

What Banks Need To Know About Debtor-In-Possession Securitizations, Lisa Hill Fenning, Christopher DiAngelo and Christopher Caperton, **33**

What Banks Need To Know About New Developments in Asset-Backed Commercial Paper, James J. Croke, **218**

What Duty Do Company Directors Owe To Banks and Other Creditors?, John M. Sjovall, **4**

Wired: Problems With Electronic Funds Transfer Agreements, Howard Darmstadter, **646**